

to be used in the former Mt. McKinley National Park (Old Park) portion of Denali National Park and Preserve? A traditional activity is an activity that generally and lawfully occurred in the Old Park contemporaneously with the enactment of ANILCA, and that was associated with the Old Park, or a discrete portion thereof, involving the consumptive use of one or more natural resources of the Old Park such as hunting, trapping, fishing, berry picking or similar activities. Recreational use of snowmachines was not a traditional activity. If a traditional activity generally occurred only in a particular area of the Old Park, it would be considered a traditional activity only in the area where it had previously occurred. In addition, a traditional activity must be a legally permissible activity in the Old Park.

(2) May a snowmachine be used in that portion of the park formerly known as Mt. McKinley National Park (Old Park)? No, based on the application of the definition of traditional activities within the park to the factual history of the Old Park, there are no traditional activities that occurred during periods of adequate snow cover within the Old Park; and, thus, Section 1110(a) of ANILCA does not authorize snowmachine access. Hunting and trapping were not and are not legally permitted activities in the Old Park at any time of the year. Sport fishing has not taken place in the Old Park during periods of adequate snow cover due to weather conditions that are adverse to sport fishing, and the limited fishery resources within the Old Park. During periods of adequate snow cover, berry picking is not feasible, and has not taken place in the Old Park. Under the definition, recreational use of snowmachines is not a traditional activity. There are no villages, homesites or other valid occupancies within the Old Park. Access by snowmachine through the Old Park in transit to homesites, villages and other valid occupancies was not lawful prior to the enactment of ANILCA and is available through routes outside the Old Park that have been historically used for that purpose. Therefore, the use of snowmachines is not authorized by section 1110(a) for such travel. Further,

Congress did not authorize subsistence activities in the Old Park. In addition, the National Park Service has determined that the use of even a few snowmachines in the Old Park would be detrimental to the resource values of the area. Therefore, because no usage is authorized in the Old Park by section 1110(a) the Old Park remains closed to all snowmachine use in accordance with 36 CFR 2.18.

(3) Where can I operate a snowmachine in Denali National Park and Preserve? You can use a snowmachine outside of the Old Park for traditional activities or travel to and from villages and homesites and other valid occupancies as authorized by 43 CFR 36.11(c), or when lawfully engaged in subsistence activities authorized by §13.46.

(4) What types of snowmachines are allowed? The types of snowmachines allowed are defined in §13.1(q) under *snowmachine* or *snowmobile*.

(5) What other regulations apply to snowmachine use? Snowmachine use is governed by regulations at §2.18(a) of this chapter, traffic safety, §2.18(b) of this chapter, state laws, and §2.18(d) and (e) of this chapter, prohibited activities; and 43 CFR 36.11(a)(2) adequate snow cover, and 43 CFR 36.11(c) traditional activities.

(6) Who determines when there is adequate snow cover? The superintendent will determine when snow cover is adequate for snowmachine use. The superintendent will follow the procedures in §§1.5 and 1.7 of this chapter to inform the public.

(7) Nothing in this section shall limit the authority of the superintendent to restrict or limit uses of an area under other statutory authority.

[46 FR 31854, June 17, 1981, as amended at 45 FR 78120, Nov. 25, 1980; 48 FR 30295, June 30, 1983; 61 FR 6944, Feb. 23, 1996; 65 FR 37878, June 19, 2000]

§13.64 Gates of the Arctic National Park and Preserve.

(a) Subsistence—(1) Resident Zone. The following communities and areas are included within the resident zone for Gates of the Arctic National Park:

Alatna
Allakaket
Ambler
Anaktuvuk Pass

National Park Service, Interior

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Bettles/Evansville
Hughes
Kobuk
Nuiqsut
Shungnak
Wiseman

(2) *Aircraft Use.* In extraordinary cases where no reasonable alternative exists, local rural residents who permanently reside in the following exempted community(ies) may use aircraft for access to lands and waters within the park for subsistence purposes in accordance with a permit issued by the Superintendent:

Anaktuvuk Pass

(3) *Customary Trade.* In The Gates of the Arctic National Preserve unit which contains the Kobuk River and its tributaries, "customary trade" shall include—in addition to the exchange of furs for cash—the selling of handicraft articles made from plant material taken by local rural residents of the park area.

§ 13.65 Glacier Bay National Park and Preserve.

(a) *Commercial fishing: authorizations, closures and restrictions—*(1) *What terms do I need to know?* (i) *Commercial fishing* means conducting fishing activities under the appropriate commercial fishing permits and licenses as required and defined by the State of Alaska.

(ii) *Glacier Bay* means all marine waters within Glacier Bay National Park, including coves and inlets, north of an imaginary line drawn from Point Gustavus to Point Carolus.

(iii) *Outer waters* means all of the non-wilderness marine waters of the park located outside of Glacier Bay.

(2) *Is commercial fishing authorized in the marine waters of Glacier Bay National Park?* Yes—Commercial fishing is authorized within the outer waters of the park and within the non-wilderness waters of Glacier Bay, subject to the provisions of this chapter.

(i) Commercial fishing shall be administered pursuant to A cooperatively developed State/federal park fisheries management plan, international conservation and management treaties, and existing federal and Non-conflicting State law. The management plan shall provide for the protection of park values and purposes, the prohibi-

tion on any new or expanded fisheries, and the opportunity to study marine resources.

(ii) Commercial fishing or conducting an associated buying or processing operation in wilderness waters is prohibited.

(iii) A new or expanded fishery is prohibited. The Superintendent shall compile a list of the existing fisheries and gear types used in the outer waters and follow the procedures in §§ 1.5 and 1.7 of this chapter to inform the public.

(iv) Maps and charts showing which marine areas of Glacier Bay are closed to commercial fishing are available from the Superintendent.

(3) *What types of commercial fishing are authorized in Glacier Bay?* Three types of commercial fishing are authorized in Glacier Bay non-wilderness waters: longline fishing for halibut; pot and ring fishing for Tanner crab; and trolling for salmon.

(i) All other commercial fishing, or a buying or a processing operation not related to an authorized fishery is prohibited in Glacier Bay.

(ii) On October 1, 2000, each fishery will be limited to fishermen who qualify for a non-transferable commercial fishing lifetime access permit (see paragraph (a)(4) of this section). Commercial fishing without a permit issued by the superintendent, or other than in accordance with the terms and conditions of the permit, is prohibited.

(iii) The Superintendent shall include in a permit the terms and conditions that the superintendent deems necessary to protect park resources. Violating a term or condition of the permit is prohibited.

(4) *Who is eligible for a Glacier Bay commercial fishing lifetime access permit?* A Glacier Bay commercial fishing lifetime access permit will be issued by the superintendent to fishermen who have submitted documentation to the superintendent, on or before October 1, 2000, which demonstrates to the satisfaction of the superintendent that:

(i) They possess valid State limited entry commercial fishing permits for the district or statistical area encompassing Glacier Bay for each fishery for which a lifetime access permit is being sought; and,